

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicant would like to thank the Examiner for the indication that claim 8 is allowable.

However, in the Official Action, the Examiner withdraws the previous grounds of rejection under 35 U.S.C. § 102(e) in favor of a new rejection under 35 U.S.C. § 103(a). Specifically, the Examiner now rejects claims 1, 2, and 12-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,567,682 to Osterweil et al., (hereinafter "Osterweil").

In response, Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 103(a) at least with regard to dependent claim 19 for at least the reasons set forth below. Consequently, independent claim 1 has been amended to include the features of dependent claim 19. The amendment to claim 1 is fully supported in the original disclosure, particularly from page 10, line 24 to page 11, line 10 and from page 12, line 24 to page 13, line 6 of the specification. Therefore, no new matter has been entered into the disclosure by way of the present amendment to claim 1.

In the Official Action, the Examiner argues that the arrangement of the pattern projecting module and the light emitting module of claim 1 would have been obvious to a person skilled in the art from the teaching of Osterweil at column 12, lines 60-67. While Applicant disagrees with the Examiner's argument, in the interests of advancing prosecution, claim 1 has been amended as discussed above.

Claim 1 as amended recites:

wherein the light-emitting module and the pattern projection module are provided in a space between the two light-receiving modules, such that a shadow of the object formed by light having no pattern from the pattern

projecting module and a shadow of the object formed by pattern projection from the pattern projecting module are formed in an occlusion area caused when the parallax image is photographed.

The Applicant respectfully submits that Osterweil neither discloses nor suggests an occlusion area (e.g., and area which appears only in an image photographed from one eye point of the photographed parallax image and in which a three-dimensional image cannot be reconstructed or the distance cannot be measured). Nor does Osterweil disclose or suggest how a shadow is formed when a parallax image is photographed. Thus, the Applicant respectfully submits that Osterweil neither discloses the arrangement of the light emitting portion and the pattern projecting portion, nor does it suggest or provide motivation for the same.

The stereo adapter as recited in claim 1 aims at preventing information of an object from being unnecessarily lost by a shadow formed in photographing. More specifically, amended claim 1 recites that "the pattern projecting module" and "the light emitting module" (illuminating light source) are provided in a space between the two light-receiving modules, so that a shadow of the object formed by light having no pattern from the pattern projecting module and the shadow of the object formed by pattern projection from the pattern projecting module are formed in the occlusion area.

In other words, in the stereo adapter recited in claim 1, both "a pattern projecting module" for obtaining distance information on the object and "a light emitting module" for emitting light to obtain information on color, tone, or contrast of the object are located in a space between the two light-receiving modules. With this structure, a shadow is formed in an occlusion area. Thus, a high-quality parallax image can be obtained, preventing unnecessary loss of information. The device of Osterweil neither contemplates such a problem nor is the device of Osterweil capable of providing a solution.

Thus, Osterweil neither discloses nor suggests the problem of the occlusion area or the formation of a shadow when photographing a parallax image. In addition, Osterweil does not disclose that both the light emitting module for illumination and the pattern projection module for projecting a pattern are located in a space between the two light-receiving modules, so that a shadow is formed in the occlusion area. Therefore, Osterweil neither discloses nor suggests such features.

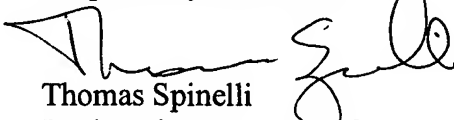
Furthermore, where a feature is not shown or suggested in the prior art references themselves, the Federal Circuit has held that the skill in the art will rarely suffice to show the missing feature. Al-Site Corp. v. VSI International Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (Rarely, however, will the skill in the art component operate to supply missing knowledge or prior art to reach an obviousness judgment).

Thus, independent claim 1, as amended, is not rendered obvious because Osterweil, whether taken alone or in combination with the knowledge of those of ordinary skill in the art, does not teach or suggest a stereo adapter having the features discussed above and as recited in amended independent claim 1. Accordingly, claim 1 patentably distinguishes over the prior art and is allowable. Claims 2 and 12-18 being dependent upon claim 1 are thus at least allowable therewith, claim 19 being canceled. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2, and 12-19 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case,  
the Examiner is requested to telephone the undersigned.

Respectfully submitted,

  
Thomas Spinelli  
Registration No.: 39,533

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343  
TS:cm/dg